

**HAMILTON COUNTY BOARD OF COMMISSIONERS
JULY 28, 2003**

The Hamilton County Board of Commissioners met on Monday, July 28, 2003 in the Commissioner's Courtroom in the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session in Conference Room 1A. President Holt called the public session to order at 1:19 pm. A quorum was declared present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. The Pledge of Allegiance was recited.

Approval of Minutes: [1:20:47]

Dillinger motioned to approve the July 14, 2003 minutes. Altman seconded. Dillinger and Altman approved. Holt abstained. Motion carried.

Executive Session Memorandum:

Dillinger motioned to approve the July 28, 2003 Executive Session Memoranda. Altman seconded. Motion carried unanimously.

Bid Openings [1:21:30] - Holt left meeting.

Ditch Road Intersections:

Mr. Mike Howard opened the bids for the intersection improvements along Ditch Road at 96th Street and 116th Street. Form 96, Bid Bond, Financial Statement and Acknowledgment of Addendum (1) were included unless otherwise specified. 1) Milestone Contractors - \$632,300.00. 2) Calumet Asphalt Paving Co. - \$633,505.00. 3) E&B Paving, Inc. - \$526,525.10. 4) Schutt-Lookabill - \$687,318.55. Mr. Howard recommended the bids be forwarded to the Highway Department for review and recommendation later today. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Resurface Contract 03-3, Various Roads in Clay Township:

Mr. Howard opened the bids for Resurface Contract 03-3, Various Roads in Clay Township. Form 96, Bid Bond, Financial Statement and Acknowledgment of Addendum (1) were included unless otherwise specified. 1) Shelly & Sands - \$666,595.31 2) E&B Paving - \$528,998.68. 3) Calumet Asphalt - \$504,551.40. 4) Grady Brothers - \$459,675.00. 5) Rieth-Riley - \$530,300.00. 6) Milestone Contractors - \$452,260.00. Mr. Howard recommended the bids be forwarded to the Highway Department for review and recommendation later today. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Public Hearing [1:31:33]

Ordinance 7-28-03-A, Vacation of Non-Access Easement - Ashford Pointe:

Mr. Steve Brown, Eaton Investments LTD, Inc., stated they are developing a condominium project, Waters Edge, on the north end of Geist Reservoir. This public hearing is pursuant to IC 36-7-3-12, which is a Vacation of an Easement. Due to additional development in this area Hamilton Southeastern Utilities have requested they locate a lift station on land that

they own, on the southeast corner of 113th Street and Olio Road. We worked with the residents of Ashford Pointe, Hamilton Southeastern Utilities, the County Highway Department and have come up with this plan to access the lift station across the 2' non-access easement, which is only shown on the plat for Ashford Pointe. The ordinance will vacate 60' strip of non-access easement so it can be properly contoured for turning in and out for a truck that will need to service the lift station. Mr. Brown stated there have been no objections to this vacation and they are all in favor of it. Altman asked if it was a non-access easement, what was the initial purpose of the easement? Mr. Brown stated it would have been there as a restriction against any car traffic from the neighborhood to come out on Olio Road, if it were there. Altman stated it was to restrict vehicular traffic? Mr. Brown stated yes, when it was a road. It is no longer a road, the non-access easement has stayed there. Altman asked if there are written concurrence from all of the owners of the subdivision in recordable form? Mr. Brown stated yes, they have a rescission of the non-access easement signed off by all the homeowners and we also have a signed document from the county. It will be recorded. Altman motioned to suspend the rules for adoption of Ordinance 7-28-03-A on first reading. Dillinger seconded. Motion carried unanimously. Altman motioned to approve Ordinance 7-28-03-A. Dillinger seconded. Motion carried unanimously.

Plat Approvals [1:41:57]

The Lakes at Hayden Run, Section 2:

Hayden Run, Section 2:

Mr. Steve Broermann recommended approval of the plats for The Lakes at Hayden Run, Section 2 and Hayden Run, Section 2. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Highway Business [1:44:37]

Acceptance of Bonds/Letters of Credit - Highway Department:

Mr. Jim Neal requested acceptance of Bonds and Letters of Credit for the Highway Department. 1) HCHD #B-91-0048 - Travelers Casualty and Surety Company continuation Certificate for Bond No. 027-1033-50590BCM-17 issued on behalf of Indiana Gas Company, Inc. dba Vectren Energy Delivery of Indiana, Inc. to now expire July 6, 2004. 2) HCHD #B-92-0052 - Fidelity and Deposit Company Continuation Certificate for Bond No. 30359069 issued on behalf of The Snider Group, Inc. to now expire September 17, 2004. 3) HCHD #B-03-0075 - St. Paul Fire and Marine Insurance Company Performance Bond issued on behalf of Milestone Contractors, L.P. in the sum of \$2,307,000.00 to expire June 23, 2005. 4) HCHD #B-03-0076 - St. Paul Fire and Marine Insurance Company Payment Bond issued on behalf of Milestone Contractors, L.P. in the sum of \$2,307,000.00 to expire June 23, 2005. 5) HCHD #B-03-0077 - Bond Safeguard Permit Bond No. 15-6012921 issued on behalf of Infrastructure Contractors, Inc. in the sum of \$10,000 for road bore and water main installation of Village of West Clay to expire July 16, 2004. 6) HCHD #B-03-0078 - Erie Insurance Company for bond No. Q93 5670070 issued on behalf of Perma Glass Corporation in the sum of \$25,000 to expire September 6, 2004. 7) HCHD #B-03-0079 - Safeco Insurance Company Subdivision Bond No. 6223204 issued on behalf of Centex Homes for landscaping sprinkler system in the right of way at The Intracoastal at Geist, Section 1, to expire June 20, 2004. 8) HCHD #B-03-0080 - Massachusetts

Bay Insurance Company Permit Bond #BLI1694481 issued on behalf of Sommerwood Development in the sum of \$5,000 for installation of a sprinkler system to expire July 18, 2004. 9) HCHD #B-03-0081 - Developers Surety and Indemnity Company Performance Bond No. 688514S issued on behalf of R.N. Thompson Development in the sum of \$370,768 for Gray Eagle Drive Bridge (#205) over Mud Creek to expire July 23, 2005. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Agreements [1:45:20]

106th Street and College Avenue Construction Inspection Agreement:

Mr. Neal requested approval of the Construction Inspection Agreement, HCHD #E-03-0009, for 106th Street and College Avenue with First Group Engineering, Inc. in a not to exceed of \$233,556.25. This agreement is on the standard INDOT form because it is a federal aid project. Altman motioned to approve. Dillinger seconded. Altman asked what is the total project cost? Mr. Neal stated \$1,905,136.00. Altman asked if the inspectors will be keeping time sheets on the time on the job? Mr. Neal stated yes. Altman asked if the overhead rate of 9.5 of hourly wages standard? Mr. Neal stated the overhead rate is the lowest. Motion carried unanimously.

Holt returned to the meeting. [1:46:53]

Subdivision Inspection Agreements:

Bridge #205, Gray Eagle Drive over Mud Creek:

Mr. Neal requested approval of Subdivision Inspection Agreements, HCHD #A-03-0015, for Bridge #205, Gray Eagle Drive over Mud Creek between Hamilton County and R.N. Thompson Development, Inc. (developer) and DLZ Indiana LLC (engineer) in the amount of \$15,750.00. The roads are within Fishers jurisdiction, but the county will handle the bridge inspection. Holt motioned to approve. Dillinger seconded. Holt and Dillinger approved. Altman abstained. Motion carries.

Canal Place Subdivision, Section 2:

Mr. Neal requested approval of Subdivision Inspection Agreements, HCHD #A-03-0013, for Canal Place Subdivision, Section 2 between Hamilton County and The Marina Limited Partnership (developer) and Farrer, Garvey & Associates, LLC (engineer) in the amount of \$12,000.00. Dillinger motioned to approve. Holt seconded. Altman stated she thought we were going to look at the inspection agreements at a standardized rate and she has not heard anything back. At this point she is going to abstain on those contracts. Dillinger and Holt approved. Altman abstained. Motion carries.

Canal Place Subdivision, Section 3:

Mr. Neal requested approval of Subdivision Inspection Agreements, HCHD #A-03-0014, for Canal Place Subdivision, Section 3 between Hamilton County and The Marina Limited Partnership (developer) and Farrer, Garvey & Associates, LLC (engineer) in the amount of \$7,000.00. Dillinger motioned to approve. Holt seconded. Dillinger and Holt approved. Altman abstained. Motion carries.

Sommerwood Subdivision Landscape Sprinkler System Agreement: [1:49:29]

Mr. Neal requested approval of an Agreement Regarding Landscape Sprinkler System in Right of Way, HCHD #M-03-0030, between Hamilton County and Sommerwood Development, LLC for Sommerwood Subdivision, Section 3. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Correspondence [1:50:14]

146th Street Extension Section 106 Letter:

Mr. Neal requested approval of the Section 106 Letter to INDOT regarding the 146th Street Extension. As requested by Commissioner Altman the signature line has been changed to include the verbiage "Action Approved by Board of County Commissioners of Hamilton County." Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Bridge #262, Fall Creek Road over Geist Reservoir: [1:51:01]

Mr. Neal requested approval of the letter to INDOT requesting credit for right of way services and acquisition costs for Bridge #262. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Mr. Knight stated they have had discussions with INDOT regarding the funding of the Fall Creek Road over Geist Reservoir project. This project has been identified as a federal aid project, the scope of the project has greatly increased since the project was approved in 1998. The cost estimate has gone up considerably. The current construction cost estimate is \$6.5 million. Our previous funding approval was just over \$3 million in the federal aid portion of the funding. INDOT's concern is how to cover the \$3 million plus gap. INDOT is doing everything they can to cover it. We have discussed several scenarios, they have left it to Hamilton County as how we want to proceed. It is on schedule for September letting with everything pending funding. INDOT can not give us the full \$6 million we need to bid the job, they don't have the money at this point. INDOT is proposing using a combination of funding sources - \$1.5 million federal aid bridge funds (BR Funds), \$2.5 million of 2003 STP funds to cover a portion of the approach road work. They can't use the bridge funds to cover the entire project, the federal government does not recognize approach road work as part of a bridge project, therefore you have to use road funds to cover all approach work and bridge funds to cover the actual bridge structure. The rest of the funding, approx. \$2.5 million, they would have to take out of FY 2004 STP Funds. The issue is that at this point Congress has not passed the next phase of the federal highway funding bill and until they do INDOT can not tie up any of that money on a project. INDOT has proposed that if Hamilton County could cover that portion, they would pay us back as soon as the bill is approved, which would be the in the first quarter of 2004. Hamilton County would have to come up with \$2.5 million to be reimbursed at a later date. We have looked at ways to fund that, we could use Major Bridge Funds along with Cum Bridge Funds to cover the gap, if the Commissioners desire to pursue that option. We did look into pursuing the MPO for funding, but we are technically not in the MPO boundaries at the project site, they can not help us out. We have pursued the Federal Highway Department to see if we could use additional bridge funds and they said no. If we want to pursue this project we will have to front some of the money above our normal 20% share. If the Commissioner's concur the next step would be to go

to County Council. This would mean tying up the balance of our major bridge funds and a portion of our available Cum Bridge Fund for at least 6-8 months. Mr. Knight stated he does not think it will delay any projects. Altman asked if the local share, disregarding the shortage, has been appropriated and available? Mr. Knight stated it is appropriated, we are lacking approximately \$3.1 million total. Of that \$3.1 million, the most we would have to appropriate is \$2.4? Mr. Knight stated correct. Holt asked if there is no other bridge project on the ladder that is going to be delayed by doing this? Mr. Knight stated there are other bridge projects they could use the funding if the right of way became available, but he does not know that it will happen in the next six months. Altman asked if the State is going in to a written arrangement so we are assured we will be repaid? Mr. Knight stated yes. Mr. Howard stated the only condition would be subject to approval of federal highway funding and we would get first claim on dollars? Mr. Davis stated they would assure us of obligating the money they owe us at that time. Mr. Howard clarified, at the time the federal highway acts? Mr. Davis stated or at the time the current bill is renewed. If the new highway bill is not signed they are anticipating the current bill would get a two year extension. Altman asked if it would be first available funds or is it tied to specific highway bills? Mr. Davis stated it is tied to when they get new appropriation authorize from the Federal Highway Department either by new bill or extension of the current bill, whichever Congress decides to do. Holt asked if this is paperwork we would generate? Mr. Davis stated they would generate that paperwork. Mr. Howard stated he would anticipate that the subject to's and general forms would be substantially similar to the SR 238 language. He is cautious to the clause that says "any obligation is subject to...". The best direction is to start towards this agreement today. He has researched the major bridge issue and with the approaches and the structure combining to the 400' he believes it is a lawful use of the funds. Mr. Davis stated we do not have enough in Major Bridge to fund the whole thing. About \$1 million will come out of Major Bridge. Altman asked what is the cash flow? Mr. Davis stated INDOT will let the project. We will have to send the funds to INDOT before the Notice to Proceed because INDOT is the actual bidder. Altman stated we would have to up front the cash? Mr. Howard stated yes. Altman asked if there is any possibility of an inter-fund loan that would not tie up Cum Bridge? Mr. Howard stated as long as it is not from property taxes we could loan any available cash to them. Cum Bridge has more than adequate funds. Altman stated the issue is on Cum Bridge, if another bridge opens up, we typically ask Council to appropriate for that next on line. Mr. Howard stated we may want to take it out of CCD. Altman stated Council is looking at CCD, the un-appropriated cash fall out to help fund 2004 budget, that is were we have to be careful. Holt stated if Matt does not think in the 7-8 months another bridge will come online, why would we not want to keep it in bridge funds? Altman stated she would prefer to have the flexibility it is there if there is a better way to fund the deficit. Mr. Howard asked what is the difference if you have Major Bridge available and CCD availability, how much is over and above the \$2.4? Mr. Knight stated we have about \$1 million in Major Bridge, there is \$1.3 million unappropriated in Cum Bridge. [2:04:58] Altman motioned to approve the process of going forward with a September letting with our commitment to advance the funds for repayment with the best available funding to be determined at our next meeting. Dillinger seconded. Motion carried unanimously.

Bid Award

Resurface Contract 03-3:[2:06:54]

Mr. Neal recommended the bid for Resurface Contractor 03-3 be awarded to Milestone

Contractors as the lowest responsive bidder. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Holt called a break in the meeting. [2:07:30]

Holt called the meeting back to order. [2:23:43]

Ditch Intersections Bid Award:

Mr. Neal recommended the bids for the Ditch Road Intersections at 96th Street and 116th Street be awarded to E&B Paving, Inc. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Administrative Assistant [2:24:53]

Security:

Mr. Fred Swift stated the Sheriff would like to speak with all the employees during the last two weeks in August to prepare them for the changes in security which will be effective September 1st. Mr. Swift requested permission to hold two meetings with the employees in the Commissioner's Courtroom. No objection from the Commissioners.

County Maps:

Mr. Swift requested permission to begin the process of updating the county maps. He has spoken with the Surveyor and it takes several months to complete the update. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Certified Payroll for Prevailing Wage Projects: [2:28:18]

Altman stated they are requesting Certified Payroll system for prevailing wage projects. It was tabled for review by Mr. Howard and the Highway Department. Mr. Howard stated the basic issue was whether or not this would create an extra work load on our contractors. Mr. Davis stated certified payroll is nothing new to any of the contractors that do work for the highway department, they also do federal aid work where this is required. Mr. Howard asked if this could be attached and we wouldn't see a substantial increase in costs to our contracts? Mr. Davis stated correct. The other issue was that the highway department does not want to get in to the policing business. Dillinger stated we also discussed a minimum dollar amount. Mr. Davis stated the proposal was \$2,000, but we are inclined to set it at \$150,000 to match the prevailing wage. Mr. Joe Long, Vice President of the Central Indiana Building Trades, stated raising the dollar amount was not a problem. Mr. Howard stated if the Commissioners approve this they can forward the documents to us for signature at the next meeting. Mr. Long stated the only question on the \$150,000 threshold, if the project can be broken into separate contracts? Mr. Howard stated we can not do that by statute. Mr. Davis asked if the employees on the job site have a question concerning their wage, how are they directed to address that question. That question would not be coming to the County Highway Department? Mr. Long stated no, it should go to the Department of Labor. It should be posted at the job site with the rates. That is part of the certified payroll which will be posted at every job site. Altman asked if we have a problem of posting wages at every job site regardless of the amount? Altman stated she does not want to

post people's names and details, she would like to post by class. Mr. Howard stated in that case, when you have a common wage hearing, the Common Wage Board signs off on wages and they are by skilled, semi-skilled and non-skilled as per classifications of work. Mr. Howard stated we post the wage determination, which is included in the bid packet. Altman stated her preference is there is no threshold for posting, but a threshold for certified payroll because of administrative work. Holt asked why do we want to do this? Mr. Long stated in the past we have found that contractors are not paying properly and at the present time we have no way to address this without going through the 24 month period of the DOL doing an audit. This will speed up the audit process to where the information is already gathered and if there is a problem it can be expedited to get the people paid correctly. Holt stated if it creates any additional overhead for the taxpayers of Hamilton County, why would we want to do it? Altman stated to be fair to the labor force. If we sign a contract with a prevailing wage, we should expect our contractors to comply with that and we are not policing anything, we are asking the contractor to certify what they paid and to whom. Mr. Howard stated under Davis Bacon, every contractor we use on heavy highway projects are signatories to the existing AFL-CIO contract. Those contractors all have in their database the certification document, we would not anticipate that being difficult for them to generate. All we are requiring is that each pay application would have a certification that they were complying with that payroll. The bigger issue is the posting of the wages on site, which allows all workers to know what they should be paid. We do not have a policeman roll in this, this would give that person right to file their complaint with the DOL. They felt that there are still, notwithstanding the common wage law, people who are not paying the wages that are mandated as part of the contract documents. This would be a self-help way for the people to see those standards. The falsification of the certification is redundant, if they are not paying the wages they are violating the law anyway. Mr. Griffin had explained that what helps the workers is to know what they should be being paid. Altman stated the other thing is that if I am an honest contractor, I don't mind this requirement. Holt asked if our contracts require prevailing wage? Mr. Howard stated everything over \$150,000 requires a common wage hearing. We require the highway department and any other entity that may anticipate issuing contracts in the next six to eight months to submit to us a list of every project that they anticipate bidding within the next six month period. We notify the Governor's Office and the Department of Labor. The Commissioner's have appointments to that Board and we set wages. Traditionally there is evidence from Workforce Development, the union wage and sometimes the non-union people come in. Traditionally the evidence has been overwhelming that in these heavy highway and road projects the common wage, is a wage most often paid. We do this on every project. [2:40:06] Altman motioned to approve the adoption of the proposal of certified payroll for projects over \$150,000 and the posting of common wage on all county jobs. Dillinger seconded. Mr. Howard asked at the \$150,000 threshold? Altman stated the posting is on any project. Dillinger stated he thought we were not going to post below \$150,000. Mr. Howard stated if it is under \$150,000 there are no mandatory wages in the contract documents. Altman stated if we don't have a common wage scale on anything below \$150,000 you are correct, she misinterpreted what was said. Altman modified her motion. Dillinger modified his second to only those projects over \$150,000. Holt asked Mr. Davis if our bridge contractors are all union contractors? Mr. Davis stated he could not say for 100% certainty that they all are, the majority of them are. Mr. Long stated they are not. Mr. Howard stated the lion's share of the bids are signatory. Holt asked about drainage work? Mr. Howard stated he does not know. Most of the reconstructions are private work and this would not apply. Dillinger and Altman approved. Holt

opposed. Motion carries.

Filson Earthworks PUD: [2:43:36]

Mr. Gordon Byers requested approval of Ordinance 7-28-03-B, amending the Planned Development Section of the Hamilton County Zoning Ordinance for Filson Earthworks. This site was zoned M1-P in May 1997. We will have to go back to TAC for the secondary plat. There was an issue on the discharge of the water, which have been substantially resolved. The zoning commitments excluded certain types of uses from the M1 zone, they imposed standards on the real estate, such as landscaping, lights, roadways paved and curbed according to county standards and precluded any outside storage. Those commitments are still in place and will be imposed on this real estate. Filson Earthworks is an excavation company. All the equipment and inventory will be enclosed. The site is on Riverwood Avenue. The Cinergy Plant is the south adjoiner on the site. Right of Way will be dedicated according to standards on Riverwood Avenue. Parking lot will have to be paved and curbed. The equipment and product will be enclosed in an FBI building. There is sufficient area for retention/detention and discharge of surface water. There is sufficient area for well and septic. Mr. Byers stated they are committed to put in a 3-1 slope mounding to screen Riverwood Avenue from the site. This received a 5-0 vote of approval from the Plan Commission. This has not been platted yet. This will be a detailed development plan "to be platted Lot 3", which is still in the name of Hayfield Properties LLC, soon to be transferred to Filson Earthworks Company, Inc. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Juvenile Justice Fundraising Proposal: [2:56:14]

Mr. Larry Dawson stated at the last meeting the Juvenile Justice Fundraising proposal as presented by AdminPros-Huskey Associates, LLC was tabled for clarification. Mr. Dawson stated the original proposal stated AdminPros-Huskey would take all the risks in the front end for 20%. The 20% is right, they will bear all the burden and receive no payment, but they also get money for writing the funding plan and writing the grant application which totals \$79,000 plus the 20%. We feel this is excessive. Mr. Dawson stated if we include the 20% and we gave them another 5% until they recover their \$79,000 which would give us a significant amount of money before we have to pay for the grant writing. Dillinger motioned to approve. Altman seconded. Motion carried unanimously. Mr. Howard will write the contract and Mr. Dawson will present the contract to AdminPros-Huskey.

Prosecutor's Office Expansion: [2:59:23]

Mr. Dawson stated he was asked to bring back contracts for the expansion of the Prosecutor's office and relocation of the Planning Department and Buildings and Grounds. If we need a design firm we would need three months to select a designer, unless you can tell us who you would like to use. We would need six months to get the contracts in place, order the materials and have them delivered. Holt asked if a design firm is necessary? Mr. Dawson stated yes. We want to go to Council once for funding, he wants everything on paper and everyone in agreement before we start. This building is so critical and he has watched this tried to be done before without this process and he does not want to risk that. If it is going to be a happen stance project, then you don't need us to manage it. Holt asked if the last project that we used a design firm was the ADA modifications for the courtrooms? Mr. Dawson stated yes and also for the

build out of Superior Court 5. Altman asked what kind of costs are we talking about? Mr. Dawson stated he does not know, he does not even know what the project is yet. He would like to be able to figure that out before we commit to money so the Commissioners can decide what they want to do. Altman asked what are Envoy's expenses? Mr. Dawson stated if you want us to be a construction manager and be on site all the time, that will be inordinately expensive. He would recommend they are project manager and looking after it as needed. Altman asked what is your contract rate? Mr. Dawson stated right now he can only put in a percentage for the project management and that is only 5%. Altman asked if he has considered an hourly basis? Mr. Dawson stated he will, they have not considered that, we have never done a project on an hourly basis, we work on a flat fee. Altman stated by statute we are not supposed to be doing percentages. Mr. Dawson stated we would not go in to a contract based on that, that is the only way we would start with a limiting factor of that. Mr. Dawson stated he would like to see the project done, but not necessarily pay the burden of our costs to be a construction manager. Altman stated she is not in disagreement with that and the design to get good specs is a good idea, but she would like to see what kind of soft costs we are talking about because it is such a small project. Dillinger stated when we did the Auditor's office and the transition we tried to do it without any of this and it ended up costing us a lot more money. Altman stated she is not saying we should not approach this in a business like manner but nobody sign off until we know what our hourly rate was that we are paying our consultants. It should be relative to the scope of the project and she has not received an answer. Holt stated we will not know the scope of the project until it is designed. Mr. Howard stated percentage contracts are disfavored by SBA, traditionally that is a estimate and the contract is fixed once the scope is defined and then it goes to fixed dollars. Holt asked if we have an architect in mind or should we go through an RFP process? Holt stated on the last two projects we have used Browning Day. Altman stated she would like to open the floor to some smaller firms. It is a very small project and we should open the doors to some competition. Holt stated in the years watching the demise of the old courthouse because we asked somebody to come in and do something and 12 different styles of doors, different woodwork in every room, some painted out, some natural was just a travesty. Since we have moved in to this building there has been a commitment, with the exception of the last time which did not work very well, that we would attempt to keep everything we did consistent with what has gone before, the same woodwork, fixtures, hardware on doors, light fixtures, so it did not look like a cobbled up amateur operation. He would think there would be a logic to use the firm who has done the previous work and who knows what the fixtures are, what the hardware is, what the lighting schematic is, where we bought the fixtures from the last time because they specified them. That is why he thinks it would be logical to use Browning Day. [3:08:21] Holt motioned to we employ Browning Day to design the space we are contemplating. Dillinger seconded. Altman stated this is not rocket science, any competent architect or designer will walk through this building and look at what we have and spec it appropriately. They are hired help and that is what we tend to forget about in government, we are the employers and they are the employees at our direction. Being a small business person, as everyone is sitting on this Board, we need to open it up to other small business, at least to allow them the opportunity. Holt and Dillinger approved. Altman opposed. Motion carries. Mr. Dawson stated they will proceed to contact Browning Day and educate them on the project and get a contract. Envoy will do that without a contract and leaving it open as to whether the County wants to bear the costs of our services on a small project or can we do it in a lesser way so it does not appear out of the ordinary.

Animal Control Building: [3:10:04]

Mr. Dawson stated we are waiting the Commissioner's direction on how you would like us to proceed with the Animal Control Building Project. Holt stated the open question being whether or not to authorize Cripe to look at the existing facility on Cumberland Road to see if the bond issue could more effectively use in a remodel/expansion of that space verses the \$2 million design on Pleasant Street. Mr. Dawson stated they have stopped Cripe because it did not feel we were going in the right direction, if we are not we will waste all the design money. The Humane Society Board met and have asked us to bring the question back to the Commissioners if you would mind looking at their existing site for expansion. Holt stated as your liaison to the Animal Control Project he would encourage the Board that we proceed with an evaluation of the Cumberland Road site. He agrees with the Humane Society that the space we could construct does not take us very far beyond our current capabilities at the existing site and does not look as a very good use of tax dollars. If we can get more square footage at the existing site and the ability to process more animals, at least animals that come close to the scope that our consultant said we should be prepared to process, there should be a long term savings to the county in doing that. [3:12:20] Holt motioned that we ask Larry to authorize Cripe to look at the Cumberland Road site for a remodel/ expansion. Altman seconded for the evaluation purposes, not design. Dillinger asked Sheriff Carter if he has a problem with us expanding the Humane Society facility on the present site? Sheriff Carter stated he does not. Dillinger asked if there is a problem with the overall planning of that entire campus, ie: the expansion of the work release facility, how would that fit into this? Dillinger is questioning if this is an appropriate place for this. Mr. Dawson stated they have a master plan for the redevelopment of the jail site. The building is still shown with no use, he would guess when it comes time to expand the jail, in the future, that building would be in the way of optimizing that site. It would probably not be impossible to do it with that building there. The question is where would the expansion of that site go. He is sure it would take up space for parking lots or other things that the jail site would turn to. It could be done. Dillinger stated he is more concerned with the work release center, than he is with the jail. Mr. Dawson stated in all our conversations regarding work release and jail expansion, we have a heavy secure building with work release now. If we built a new jail it would be \$200 square foot for expansion. If we build a new work release center it would be \$70-\$80 square foot. Figuring a way to utilize that heavy construction might save the county a lot of money over the long term. It might be less expensive to connect those two buildings and keep the secured buildings together and build a less constructed work release center that would not cost as much money as a new jail would cost. No one has thought through that yet. Holt stated the second slightly altered the motion, but practically speaking it doesn't because we have a commitment that all three Commissioners are going to be involved in this project hereafter and that will keep it on target. Holt stated he has no objection to the tweak of the original motion. Motion carried unanimously. Mr. Dawson stated they will have Cripe look at the current site in a study mode.

Juvenile Justice Center Project: [3:17:27]

Mr. Dawson stated the operating costs have been finalized for the comparison of the existing Juvenile Detention Center and sending kids out of county and constructing a new facility and hiring more staff and keeping the programming and all the kids in county except some violent offenders that will need to be sent out. We have a joint meeting with the County Council and Commissioners on August 6th at 6:00 pm. Mr. Dawson stated he would like to meet

individually with each of the Commissioners, Mike Howard, Robin Mills, John Culp and Mike Reuter to go through the costs, so if there are any questions we can get the answers prior to the joint meeting. We would like to do that with the Council, to get the questions answered. Mr. Dawson asked if Mr. Swift could work those times out for him, he would appreciate it.

White River Clean-up: [3:19:05]

Mr. Rich Hubbard, White River Clean-up, Inc., informed the Commissioners on the White River Clean-up Project for this year and to request help with the expenses for this year. The planned clean-up area is the Logan Street Bridge to the 146th Street Bridge. All the work is done through the volunteers, Boy Scouts, Cub Scouts, police and fire fighters that volunteer. Unless we have to contract someone to run heavy equipment, no one on the site is paid. We only have to compensate the merchants. The volunteers that work get a T-shirt, all you can eat pizza and certificate of appreciation. This will be the ninth year of clean-up and we have pulled in excess of 200 tons of trash and debris from the banks and the river, from Perkinsville to Noblesville. We have reclaimed two illegal dumpsites, one is the Joyce Avenue dumpsite. It has taken us three years, but it now has grass and trees growing where the dumpsite was. Mr. Hubbard asked the Commissioners if they could supplement their budget to assist with their project. We hope merchants will donate product as they have in the past, but in the event that they are unable to we need to compensate the merchants so we can continue to clean-up the river. Dillinger asked how much is the budget? Mr. Hubbard stated we anticipate \$64,800.00, if we receive no donations. Dillinger asked who are you going to request money from? Mr. Hubbard stated they will approach the Settlement Committee, they supplemented us last year and we intend on petitioning the City of Noblesville and The Legacy Fund. Dillinger asked if we would have to have an additional appropriation? Mr. Swift stated we would need to request an additional, there is nothing in the Commissioner's budget. Dillinger asked Mr. Hubbard if you use work-release people? Mr. Hubbard stated yes, last year we used road crew inmates and people that are doing week-end time. Last year we had 600 volunteers. We keep the inmates separate from the other volunteers. [3:25:02] Dillinger motioned to approve their \$10,000 request pending Council approval and budgeting. Altman seconded. Altman asked if the Highway Department has equipment that would be helpful that we would lend equipment? Dillinger stated yes. Altman stated not necessarily personnel, but if we have equipment available. Mr. Hubbard stated the County Parks Department and the City of Noblesville give us equipment to use. We do have to find certified operators to run the equipment, which we may have to employ. Our primary goal is to have a safe clean-up. Holt asked what is the heavy equipment that you use? Mr. Hubbard stated last year we had to employ a gentleman who has a barge bound loader. We just found out that Nations Rent is supplying the heavy equipment. Mr. Neal asked if they have approached the National Guard for operators? Mr. Hubbard stated they have and they were told the application procedure would take 7 years. Motion carried unanimously.

Commissioner Committee Reports: [3:31:20]

Homeland Security Grant:

Altman stated they have received notice on the Homeland Security Grant, which started the 60 day period. We have a meeting scheduled to review possible uses of the \$140,000. She has not received a strong commitment from Council on trying to do a communications command center. An issue came up at the last EMA Committee meeting as to whether that would qualify.

4-H Fair Government Tent: [3:32:45]

Ms. Kathy Richardson presented a copy of the evaluation report from the 4-H Fair Government Tent. We had 20 departments represented this year. We added a brochure and door prizes this year. We will begin planning for next year in January. The Commissioner's thanked the committee and said they did a wonderful job. Altman asked if we could move the tent? Ms. Richardson stated she is not sure where we could go, we made a commitment last year when the area was black-topped.

Weights & Measures: [3:55:21}

Holt stated the Board has received the resignation of Buddy Clark, Weights & Measures, effective August 29, 2003. Dillinger motioned to accept the resignation. Altman seconded. Motion carried unanimously. Holt thanked Buddy for his long tenure with the County and Buddy has been a dedicated public servant through the years and wished him well in retirement.

Attorney [3:36:16]

Personnel Handbook Update:

Mr. Howard stated the Personnel Handbook Update has not been completed.

Resolution 7-28-03-1, Ritchey Woods:

Mr. Howard stated at the request of Commissioner Holt he has prepared Resolution 7-28-03-1, concerning Ritchey Woods. Ritchey Woods is owned by the Children's Museum of Indianapolis, located in the Town of Fishers. Holt stated he asked Mike to prepare this resolution, all three Commissioners are aware of the history of the Ritchey Woods property and the effort that has gone in to preserving it as green space for the citizens of Hamilton County. Last month we signed a letter in support of the County Parks Board in acquiring the property. Since that time it has been brought to his attention that the Town of Fishers is interested in this property and is submitting a package to be a steward of that ground. Upon learning this information he made a commitment that he would ask this Board to retract the letter we signed and it would be logical for Fishers to pursue the development of this property. Holt motioned to adopt Resolution 7-28-03-1, which ratifies the position of the Fishers Town Council that they be the recipient of the Ritchey Woods property from the Children's Museum. Dillinger seconded. Altman stated she is concerned that we have not discussed this with our Parks Department. She would prefer a resolution that acknowledges to the donor who will be making the ultimate decision as to who receives the park, that both entities, Fishers Park Department and County Parks Department, are equally well suited to be stewards of that land and we would support the donation to either of those entities. She would like to preserve that the Park is available to all citizens of Hamilton County. If it would go to the county park system we could assure that without charge, we don't necessarily assure that if it goes to the Fishers Park System. They might elect to make charges for admittance to that area. She would prefer to acknowledge that Fishers is a suitable partner for that parks property and either entity would be suitable. Dillinger and Holt approved. Altman abstained. Motion carries.

Moody's Rating:

Mr. Howard stated Moody's has assigned Hamilton County Redevelopment Commission for the Ramps West Project a A1 Rating. Mr. Howard thanked H.J. Umbaugh, Mike Reuter and Randy Ruhl for their work in this effort. This is the same rating we had a year ago when we did the bonds for the other side. Mr. Howard also thanked the Auditor's office for their assistance.

Auditor [3:44:18]

Housing Rehabilitation Grant Memorandum of Understanding:

Ms. Mills requested the President's signature on a Memorandum of Understanding Between Hamilton County Board of Commissioners and CICOA for the Hamilton County Rehabilitation Grant. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Clerk's Monthly Report:

Ms. Mills requested acceptance of the Clerk of the Circuit Court's Monthly for June 2003. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Treasurer's Monthly Report:

Ms. Mills requested acceptance of the Treasurer's Monthly Report for June 2003. Dillinger motioned to approve. Altman seconded. Motion carried unanimously. Altman asked what is the process for bad checks? Ms. Mills stated Altman will have to speak to the Treasurer.

Release of Bonds/Letters of Credit - Drainage Board:

Ms. Mills requested the release of Bonds and Letters of Credit for the Drainage Board. 1) HCDB-2002-00344 - Union Planters Bank Letter of Credit No. L025528 for Sedgwick Subdivision erosion control - \$35,945.25. 2) HCDB-2002-00345 - Union Planters Bank Letter of Credit No. L025530 for Sedgwick Subdivision storm sewers - \$111,808.95. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Payroll Claims:

Ms. Mills requested approval of Payroll Claims for the period of July 5-19, 2003 to be paid August 1, 2003. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Vendor Claims:

Ms. Mills requested approval of Vendor Claims to be paid July 29, 2003. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Storm Utility Mapping Services Contract: [3:46:17]

Mr. Kent Ward requested approval of the Stormwater Utility Mapping Services Contract. Mr. Ward stated they have reviewed the RFP's and interviewed the top three companies - Woolpert, EarthTech and Plexis. Mr. Ward stated they are recommending Woolpert be the contractor. Altman motioned to approve. Holt seconded. Altman and Holt approved. Dillinger opposed. Motion carries.

Altman motioned to adjourn the meeting. Dillinger seconded. Motion carried unanimously. [3:51:00]

Commissioners Correspondence

Beam, Longest & Neff Notice of Transmittals:

Bridge #257, Lantern Road over Shoemaker Ditch
96th Street & Towne Road Intersection Improvement
Habitat Replacement Plan

INDOT Final Audit - Bridge #129 over William Lock Ditch

IDEM Notice of New Application - Office of Air Quality:

Porter Engineered Systems, Inc.

IDEM Notice of Application Receipt - Solid Waste Permit Renewal:

City of Carmel
IDEM Notice of Sewer Permit Application:
Avalon of Fishers, Section One - Fishers
Kroger Plaza - Fishers

IDEM Notice of Public Comment - Proposed Air Permit:

Countrymark Cooperative, LLP

IDEM Notice of Decision - FESOP:

Milestone Contractors, L.P.

IDEM Notice of Appeal Rights:

Long Beach Estates, Section III - Carmel
Thorpe Creek Parallel Force Main - Fishers
Ballantrae Subdivision - Carmel
Cumberland Pointe Commercial - Noblesville
The Highlands at Gray Eagle, Section 1 & 2 - Fishers
Brookside Lift Station and Force Main - Westfield
Centennial, Section 9 - Westfield

Present

Christine Altman, Commissioner
Bob Thompson, Surveyor's Office
Steven C. Dillinger, Commissioner
George Piper, Noblesville Daily Times
Steven A. Holt, Commissioner
Rich Hubbard, White River Clean-up, Inc.
Robin M. Mills, Auditor

Kent

Ward, Surveyor
Kim Rauch, Administrative Assistant to Auditor
Suzie Mills, Surveyor's Office
Fred Swift, Administrative Assistant to Commissioners
Sonia Leerkamp, Prosecutor
Michael A. Howard, Attorney
Doug Carter, Sheriff
Brad Davis, Highway Director
Jim Neal, Highway Engineer
Virginia Hughes, Administrative Assistant to Highway Engineer
Patricia Ogden, Highway Public Service Representative
Dave Lucas, Highway Inspector
Robert Chadwell, Highway Inspector
Tim Knapp, Highway Right-of-Way Specialist
Joel Thurman, Highway Project Engineer
Matt Knight, Highway Staff Engineer
Mike McBride, Small Structure Staff Engineer
Faraz Hahn, Highway Department
Kathy Howard, Highway Department
Chuck Owens, Mayfair Homeowners
Kevin Green, Calumet Asphalt
Duane Travers, E&B Paving
Charley Highsmith, Schutt-Lookabill Co., Inc.
Steve Brown, Eaton Investments, Inc.
Dave Richter, United Consulting Engineers
Linda Huhill, Mayfair Homeowners
Matt Kelley, Shelly and Sands
lee Yarling, Rieth-Riley
Gary Sparks, Milestone
Mike McGill, Grady Brothers
Glenda Garrison, Sedgwick
Becki Wise, USI
Jeff Hill, The Corradino Group
Diana Lamirand, Noblesville Ledger
Larry Roudebush
Jerry Larrison, Beam, Longest & Neff
Gordon Byers, Filson Earthworks
Greg Filson, Filson Earthworks
Chuck Kiphart, Plan Commission
Larry Dawson, Envoy, Inc.
Phil Dunlap, Indianapolis Star
Sonia Leerkamp, Prosecutor